

Norman H. Bangerter, Governor Dee C. Hansen, Executive Director Dianne R. Nielson, Ph.D., Division Director

355 W. North Temple • 3 Triad Center • Suite 350 • Salt Lake City, UT 84180-1203 • 801-538-5340

April 8, 1986

CERTIFIED RETURN RECEIPT REQUESTED NO. P 001 720 887

Mr. Charles Gent Genwal Coal Company, Inc. PO Box 1201 Huntington, Utah 84527

Dear Mr. Gent:

Re: Proposed Assessment for State Violation No. N86-4-1-4, ACT/015/032, Folder No. 8, Emery County, Utah

The undersigned has been appointed by the Board of Oil, Gas and Mining as the Assessment Officer for assessing penalties under UMC/SMC 845.11-845.17.

Enclosed is the proposed civil penalty assessment for the above referenced violation. This violation was issued by Division Inspector Dave Lof on March 5, 1986. Rule UMC/SMC 845.2 et seq. has been utilized to formulate the proposed penalty. By these rules, any written information submitted by you or your agent within 15 days of receipt of this notice of violation has been considered in determining the facts surrounding the violation and the amount of penalty.

Within fifteen (15) days after receipt of this proposed assessment, you or your agent may file a written request for an assessment conference to review the proposed penalty. (Address a request for a conference to Ms. Jan Brown at the above address.) If no timely request is made, all pertinent data will be reviewed and the penalty will be reassessed, if necessary, for a finalized assessment. Facts will then be considered which were not available on the date of the proposed assessment due to the length of the abatement period. This assessment does not constitute a request for payment.

Sincerely,

Mike Earl

Assessment Officer

Mike Earl

jmc Enclosure cc: D. Griffin 73140

# SUMMARY OF PROPOSED ASSESSMENT OF PENALTIES UTAH DIVISION OF OIL, GAS AND MINING 355 West North Temple 3 Triad Center Suite 350 Salt Lake City, Utah 84180-1203 801-538-5340

COMPANY/MINE Genwal/Cra	andall Canyon	NOV # N86-4-1-4
PERMIT # <u>ACT/015/032</u>		
: :		
VIOLATION	<u>POINTS</u>	AMOUNT
1OF4	49	\$ 960
	74	4,000
3 OF 4	42	680
4 OF 4	54	1,140
OF		
0F		
OF		
0F		
0F		
OF		
TOTAL ASSESSED FINE	219	\$ 6.780

	COMPANY	/MINE_G	enwal/Cra	andall Ca	anyon	NOV #	₹ N86–4	-1-4	
	PERMIT	# ACT/C	15/032		-	VIOLATION	1	OF 4	4
I.	HI:	STORY	MAX 25 F	TS					
	7711_	LCII I AL	previous l within E <u>4/7/8</u> 6	⊥ year c	if today':	h are not p s date? E ONE YEAR			ated,
N83-	/IOUS VI( -2-14-1 -4-6-1	DLATION	S EFF.DA 4/19/85	1	N84-	DUS VIOLATI -4-14-1	ONS EFF	DATE 2/28/8	PTS 36 1
	-4-6-1 -4-5-2	<del></del>	2/28/86			4-7-2		2/28/8	6 2
	2-20-6	<del></del>	2/28/86			-4-5-2		3/14/8	
N85-	<del>-4-7-2</del>		2/28/86			4-9-1		2/28/8	
	4-3-1		3/14/86			4-12-3		2/28/8	
	4-16-1		4/19/86			4-7-1		3/14/8	
***************************************			l point 5 point	for eac	h past vi ch past v	-4-23-1 colation, u riolation i be counted TOTAL HIS	n a CO, d	up to	one yea
II.	SERIOUSN	ESS (	either A	or B)		LOTAL DIS	TURY PU	LIN 15	25
Offi Begi Up o	nning at	the mi	id-naint	ng the c	category	the violate the AO will erator's st	tion fal	ls.	_ •
	Is this	an Ever	nt (A) or	Hindran	ce (B) vi	olation? _	Event		
	A. Even	t Viola	tions	MAX 45 F	PTS				
	l. Wh pre	at is t vent? _	he event Water Po	which th	ne violat	ed standard	d was de	signed	to
2	2. Wha	t is th lated s	e probabi tandard w	ility of was desig	the occu ned to p	rrence of t revent?	he even	t which	ı a
		None	BILITY		RANGE 0	MID-PC	INT		
			nificant		1-4	2			
		Unlik			5-9	7			
		Likel Occur			10 <b>-</b> 14 15 <b>-</b> 20	12 17			
				ASSIGN P	ROBABILI	TY OF OCCUR	RENCE PI	OINTS	12

PROVIDE AN EXPLANATION OF POINTS <u>Inspector indicates it is likely that</u> with additional precipitation, runoff will reach Crandall Creek because of the saturated soil and the close proximity to the stream.

Would or did the damage or imperson exploration or permit area?	
exploration of beimit area.	NO MID-POINT
Within Exp/Permit Area	0-7*
Outside Exp/Permit Area	8–25* 16
*In assigning points, conside said damage or impact, in term	r the duration and extent of
public or environment.	is or area and impact on the
•	ASSIGN DAMAGE POINTS 8
PROVIDE AN EXPLANATION OF POINTSInspecto:	r indicates flow would likely
reach the stream but that the effect on the	quality of the stream would not
be significant. A relatively small area is	involved.
B. Hindrance Violations MAX 25 PTS	
1. Is this a potential or actual	hindrance to enforcement?
RAN	IGE MID-POINT
Potential hindrance 1-	-12 7
Actual hindrance 13-	<b>-</b> 25 19
Assign points based on the extent to which eviolation.	enforcement is hindered by the
PROVIDE AN EXPLANATION OF POINTS	ASSIGN HINDRANCE POINTS
TOTAL SERIOUSNES	SS POINTS (A or B)20
III. NEGLIGENCE MAX 30 PTS	
A. Was this an inadvertent violation v	which was unavoidable by the
exercise of reasonable care? IF SO	) - NO NEGLIGENCE;
OR Was this a failure of a permitte	ee to prevent the occurrence of
a violation due to indifference, la reasonable care, or the failure to	abate any violation due to the
same? IF SO - NEGLIGENCE;	
OR Was this violation the result of	reckless, knowing, or
intentional conduct? IF SO - GREATE NEGLIGENCE.	R DEGREE OF FAULT THAN
112022011020	
No Negligence 0	
	MID-POINT
Negligence 1-15	8
	8
Negligence 1-15 Greater Degree of Fault 16-30	8
Negligence 1-15 Greater Degree of Fault 16-30 STATE DEGREE OF NEGLIGENCE Negligence	8
Negligence 1-15 Greater Degree of Fault 16-30 STATE DEGREE OF NEGLIGENCE Negligence PROVIDE AN EXPLANATION OF POINTS Inspector	8 23 23 23 ASSIGN NEGLIGENCE POINTS 4 Prindicates that he doubts the
Negligence 1-15 Greater Degree of Fault 16-30 STATE DEGREE OF NEGLIGENCE Negligence	ASSIGN NEGLIGENCE POINTS 4  or indicates that he doubts the as apparently not been any soil

### IV. GOOD FAITH

17. GOOD FAITH MAX -20 FTS. (either A OF B)					
A. Did the operator have onsite the resources necessary to achieve compliance of the violated standard within the permit area? IF SO -EASY ABATEMENT  Easy Abatement Situation  Immediate Compliance -11 to -20*  (Immediately following the issuance of the NOV)  Rapid Compliance -1 to -10*  (Permittee used diligence to abate the violation)  Normal Compliance 0  (Operator complied within the abatement period required)					
*Assign in upper or lower half of range depending on abatement occurring in 1st or 2nd half of abatement period.					
B. Did the permittee not have the resources at hand to achieve compliance OR does the situation require the submission of plans prior to physical activity to achieve compliance? IF SO - DIFFICULT ABATEMENT SITUATION					
Difficult Abatement Situation Rapid Compliance -11 to -20* (Permittee used diligence to abate the violation) Normal Compliance -1 to -10* (Operator complied within the abatement period required) Extended Compliance 0 (Permittee took minimal actions for abatement to stay within the limits of the NOV or the violated standard, or the plan submitted for abatement was incomplete)					
EASY OR DIFFICULT ABATEMENT? <u>Easy</u> ASSIGN GOOD FAITH POINTS <u>0</u>					
PROVIDE AN EXPLANATION OF POINTS <u>At the time of assessment this NOV had not been terminated.</u>					
V. ASSESSMENT SUMMARY FOR N86-4-1-4 #1					
I. TOTAL HISTORY POINTS  II. TOTAL SERIOUSNESS POINTS  III. TOTAL NEGLIGENCE POINTS  IV. TOTAL GOOD FAITH POINTS  0					
TOTAL ASSESSED POINTS 49					
TOTAL ASSESSED FINE \$960					
ASSESSMENT DATE 4/7/86 ASSESSMENT OFFICER Mike Earl					
X PROPOSED ASSESSMENT FINAL ASSESSMENT					

	COMPAN	Y/MINE	Genwal/Cra	ndall Cany	on	NOV #	N86-4	-1-4		<u>.</u>
	PERMIT	#AC	T/015/032		_ V:	IOLATION _	2	_OF _	4	<del>-</del>
I.	<u>H</u>	ISTORY	MAX 25 P	TS						
	W	nich f	ere previous all within ATE <u>4/7/86</u>	l year of	today's	date?				i,
	VIOUS V -2-14-1		ONS EFF.DA 4/19/85		PREVIOU:	S VIOLATIO	INS E		TE P	
	<b>-4-</b> 6-1		2/28/86		- N85-4-				8/86	$\frac{1}{2}$
	-4-5-2		2/28/86		C85-4		<del></del> .		4/86	$\frac{2}{2}$
	-2-20-6		2/28/86		N85-4-				8/86	$-\frac{2}{1}$
N85	<b>-4-7-</b> 2		2/28/86			-12 <b>-</b> 3	<del></del> ·		8/86	$-\frac{1}{3}$
C85	-4-3-1		3/14/86		C85-4-				4/86	<del></del>
N85	-4-16-1		4/19/86	<del>-</del> <del>0</del>		-23-1			4/86	$-\dot{1}$
			l point	for each	past viol	lation, up	too			
			5 point	s for each	n past vid	olation in	na CO	, up	to one	: yea
			No pend:	ing notice	s shall b	e counted	i			,
					-	COTAL HIST	TORY P	OINTS	25	
11.	SERIOU:	SNESS	<u>(either A</u>	or B)						
up:	icer wi inning :	II det at the	on the fact: ermine with mid-point ( izing the in	in which o of the cat	ategory t eoorv. ti	the violat ne AO will	ion fa adiu	alls. st th	e noin	ts ing
	Is thi	s an E	vent (A) or	Hindrance	e(B) viol	Lation?	Even	t		
	A. Eve	ent Vi	olations	MAX 45 PT	<u>s</u>					
	1. p	What i revent	s the event ? <u>Water</u> f	which the Pollution	violated	d standard	l was d	desig	ned to	I
	2. W	hat is iolate	the probab d standard w	ility of t was design	he occuri ed to pre	rence of to	he ev	ent w	hich a	
		PR No	OBABILITY		RANGE 0	MID-PC	TNI			
			significant		1 <del>-</del> 4	2				
			likely		5 <b>-</b> 9	7				
			kely		10 <b>-</b> 14	12				
			curred		15-20	17				
				ASSTON DO			יטבאוטב	DOTAL	тс	10
				VOOTON LK	COMPTETI	OF OCCUR	ストコン	LOTIA	12	12

PROVIDE AN EXPLANATION OF POINTS Inspector indicates that additional runoff from snow melt is all that would be required for the event to occur. He indicates that it is likely that the event has already occurred but the evidence of that was obscured by present snow cover.

Would or did the damage or impact remain within the exploration or permit area?

NO

RANGE
MID-POINT
Within Exp/Permit Area
0-7\*

Outside Exp/Permit Area
8-25\*
16

In assigning points, consider the duration and extent of said damage or impact, in terms of area and impact on the

public or environment.

ASSIGN DAMAGE POINTS 12

PROVIDE AN EXPLANATION OF POINTS Inspector indicates that not a great deal of damage occurrs at any one moment but that it has a cumulative effect. The damage would extend into Crandell Creek and to a lesser extent into Huntington Creek.

#### B. <u>Hindrance Violations</u> MAX 25 PTS

1. Is this a potential or actual hindrance to enforcement?

	RANGE	MID-POINT	
Potential hindrance Actual hindrance Assign points based on the extent violation. PROVIDE AN EXPLANATION OF POINTS	1–12 13–25 to which enforcemer ASSIGN HIM	7 19 nt is hindered NDRANCE POINTS	d by the
TOTAL	SERIOUSNESS POINTS	(A or B)	24

#### III. NEGLIGENCE MAX 30 PTS

A. Was this an inadvertent violation which was unavoidable by the exercise of reasonable care? IF SO - NO NEGLIGENCE;
OR Was this a failure of a permittee to prevent the occurrence of a violation due to indifference, lack of diligence, or lack of reasonable care, or the failure to abate any violation due to the same? IF SO - NEGLIGENCE;
OR Was this violation the result of reckless, knowing, or intentional conduct? IF SO - GREATER DEGREE OF FAULT THAN NEGLIGENCE.

No Negligence	0	MID-POINT
Negligence	1-15	8
Greater Degree of Fault	16-30	23

STATE DEGREE OF NEGLIGENCE Greater Degree of Fault

ASSIGN NEGLIGENCE POINTS 25

PROVIDE AN EXPLANATION OF POINTS The operator was issued NOV #N85-4-7-2 #2 for the same problem. The operator has apparently failed to comply with specific construction and maintenance specifications in their mine plan.

IV. GOOD FAITH MAX -20 PTS. (either A or B)
A. Did the operator have onsite the resources necessary to achieve compliance of the violated standard within the permit area? IF SO -EASY ABATEMENT  Easy Abatement Situation  Immediate Compliance -11 to -20*  (Immediately following the issuance of the NOV)  Rapid Compliance -1 to -10*  (Permittee used diligence to abate the violation)  Normal Compliance 0  (Operator complied within the abatement period required)
*Assign in upper or lower half of range depending on abatement occurring in 1st or 2nd half of abatement period.
B. Did the permittee not have the resources at hand to achieve compliance OR does the situation require the submission of plans prior to physical activity to achieve compliance? IF SO - DIFFICULT ABATEMENT SITUATION
Difficult Abatement Situation Rapid Compliance -11 to -20* (Permittee used diligence to abate the violation) Normal Compliance -1 to -10* (Operator complied within the abatement period required) Extended Compliance 0 (Permittee took minimal actions for abatement to stay within the limits of the NOV or the violated standard, or the plan submitted for abatement was incomplete)
EASY OR DIFFICULT ABATEMENT? Difficult ASSIGN GOOD FAITH POINTS 0
PROVIDE AN EXPLANATION OF POINTS At the time of assessment this NOV had not been terminated.
V. ASSESSMENT SUMMARY FOR N86-4-1-4 #2
I. TOTAL HISTORY POINTS  II. TOTAL SERIOUSNESS POINTS  III. TOTAL NEGLIGENCE POINTS  IV. TOTAL GOOD FAITH POINTS  0
TOTAL ASSESSED POINTS 74
TOTAL ASSESSED FINE \$4000
ASSESSMENT DATE 4/7/86 ASSESSMENT OFFICER Mike Earl
Y PROPOSED ASSESSMENT

	COMPANY/N	MINE_C	Genwal/Crand	dall Cany	on_	NOV #	N86-4	4-1-4	•	_
	PERMIT #_	ACT	015/032		_ V:	COLATION _	3	_OF _	4	_
I.	HIST	ORY	MAX 25 PTS	<u> </u>						
	whic	ch fal	e previous v l within l E <u>4/7/86</u>	year of	today's c	late?				d <b>,</b>
		ATION	S EFF.DATE	_		S VIOLATIO	ONS E	FF.DA		TS
	-2-14-1 -4-6-1	<del></del>	4/19/85	<u> </u>	N84-4-				28/85	<u> </u>
	-4-6-1 -4-5-2		2/28/86	1	N85-4-				8/86	2
אפוע	-4-3-2 -2-20-6		2/23/86		C85-4-				.4/86	2
NO4-	-4-7-2		2/28/86 2/28/86		N85-4-				3/86	1
C85-	-4-3-1		3/14/86	<u>2</u> 5		12-3			28/86	3
	-4-16-1		4/19/86		C85-4-				4/86	<u>5</u>
1102	1 10 1			-	past viol	-23 <b>-</b> 1	<del></del>	2/1	.4/86	
			5 noints	for each	past vioi past vio	acion, up		ne ye	to one	
			No pendir	on potion	s shall b	DIACION IN	la Ui	o, up	נט טוופ	e yea
			NO PONGE	ig House		OTAL HIS		OTNTO	25	
II.	SERIOUSNE	SS	(either A c	r A)		OTAL HILD	ON	OTIVIC	,	
orra Begi up (	inning at	the m	the facts mine withir id-point of ing the ins	which o	category t enory, th	he violat e AO will	tion f Ladiu	'alls. Ist th	e noin	ts ling
	Is this a	ın Eve	ent (A) or H	lindrance	e (B) viol	ation?	Ever	nt	· · · · · · · · · · · · · · · · · · ·	
	A. Event	: Viol	ations M	AX 45 PT	<u>'S</u>					
	1. What prev	ent?	the event w Environme	nich the	violatec	l standard	d was	desig	ned to	)
	2. What viol	is tated	he probabil standard wa	ity of t s design	he occurr ed to pre	rence of t vent?	:he ev	/ent w	hich a	l
		PROE None	ABILITY		RANGE O	MID-PO	TNIC			
			gnificant		1-4	2				
		Unli	•		5 <b>-</b> 9	7				
		Like			10-14	12				
		Occu			15 <b>-</b> 20	17				
		u			17-20	1/				
			ρ	SSIGN PF	OBABILITY	OF OCCUP	RRENCE	POIN	ITS	5

PROVIDE AN EXPLANATION OF POINTS <u>Inspector indicates that it is unlikely that any of the large fuel containers would rupture but possible that one of the smaller containers could be knocked over.</u>

Would or did the damage or impact remain within the exploration or permit area? Yes

Within Exp/Permit Area 0-7\* 4
Outside Exp/Permit Area 8-25\* 16

\*In assigning points, consider the duration and extent of said damage or impact, in terms of area and impact on the public or environment.

ASSIGN DAMAGE POINTS 2

PROVIDE AN EXPLANATION OF POINTS If the event was to occur the damage would be significant. However, assessed low due to the small probability of the tanks rupturing.

#### B. <u>Hindrance Violations</u> MAX 25 PTS

1. Is this a potential or actual hindrance to enforcement?

	RANGE	MID-POINT
Potential hindrance Actual hindrance Assign points based on the extent violation. PROVIDE AN EXPLANATION OF POINTS	1-12 13-25 to which enforcemen ASSIGN HIN	7 19 t is hindered by the DRANCE POINTS
TOTAL	SERIOUSNESS POINTS	(A or B) 7

#### III. NEGLIGENCE MAX 30 PTS

A. Was this an inadvertent violation which was unavoidable by the exercise of reasonable care? IF SO - NO NEGLIGENCE; OR Was this a failure of a permittee to prevent the occurrence of a violation due to indifference, lack of diligence, or lack of reasonable care, or the failure to abate any violation due to the same? IF SO - NEGLIGENCE; OR Was this violation the result of reckless, knowing, or intentional conduct? IF SO - GREATER DEGREE OF FAULT THAN NEGLIGENCE.

No Negligence	0	MID-POINT
Negligence	1-15	8
Greater Degree of Fault	16-30	23

STATE DEGREE OF NEGLIGENCE Greater Degree of Fault

ASSIGN NEGLIGENCE POINTS 25

PROVIDE AN EXPLANATION OF POINTS The operator has received two prior violations regarding this area. N85-4-12-3 #3 and N84-2-20-6 #6.

## IV. GOOD FAITH MAX -20 PTS. (either A or B)

*Assign in upper or lower half of range depending on abatement occurring in 1st or 2nd half of abatement period.  B. Did the permittee not have the resources at hand to achieve compliance OR does the situation require the submission of plans prior to physical activity to achieve compliance? IF SO - DIFFICULT ABATEMENT SITUATION  Difficult Abatement Situation Rapid Compliance -11 to -20* (Permittee used diligence to abate the violation) Normal Compliance -1 to -10* (Operator complied within the abatement period required) Extended Compliance 0 (Permittee took minimal actions for abatement to stay within the limits of the NOV or the violated standard, or the plan submitted for abatement was incomplete)  EASY OR DIFFICULT ABATEMENT? Easy ASSIGN GOOD FAITH POINTS -15  PROVIDE AN EXPLANATION OF POINTS NOV was to be abated by March 19, 1986.  NOV was terminated effective March 4, 1986.  V. ASSESSMENT SUMMARY FOR N86-4-1-4 #3  I. TOTAL HISTORY POINTS 25 II. TOTAL SERIOUSNESS POINTS 7 III. TOTAL SERIOUSNESS POINTS 25 III. TOTAL GOOD FAITH POINTS -25  TOTAL ASSESSED FINE \$680  ASSESSMENT DATE 4/7/86 ASSESSMENT OFFICER Mike Earl  X PROPOSED ASSESSMENT FINAL ASSESSMENT	Α.	compliance of the violated standard within the permit area? IF SO -EASY ABATEMENT  Easy Abatement Situation  Immediate Compliance -11 to -20*  (Immediately following the issuance of the NOV)  Rapid Compliance -1 to -10*  (Permittee used diligence to abate the violation)  Normal Compliance 0
B. Did the permittee not have the resources at hand to achieve compliance OR does the situation require the submission of plans prior to physical activity to achieve compliance? IF SO - DIFFICULT ABATEMENT SITUATION  Difficult Abatement Situation  Rapid Compliance -ll to -20* (Permittee used diligence to abate the violation) Normal Compliance -l to -10* (Operator complied within the abatement period required) Extended Compliance 0 (Permittee took minimal actions for abatement to stay within the limits of the NOV or the violated standard, or the plan submitted for abatement was incomplete)  EASY OR DIFFICULT ABATEMENT? Easy ASSIGN GOOD FAITH POINTS -15  PROVIDE AN EXPLANATION OF POINTS NOV was to be abated by March 19, 1986. NOV was terminated effective March 4, 1986.  V. ASSESSMENT SUMMARY FOR N86-4-1-4 #3  I. TOTAL HISTORY POINTS 25 II. TOTAL SERIOUSNESS POINTS 77 III. TOTAL SERIOUSNESS POINTS 25 IIV. TOTAL ASSESSED POINTS 42  TOTAL ASSESSED POINTS 42  TOTAL ASSESSED FINE \$680  ASSESSMENT DATE 4/7/86 ASSESSMENT OFFICER Mike Earl		(Operator complied within the abatement period required)
compliance OR does the situation require the submission of plans prior to physical activity to achieve compliance? IF SO - DIFFICULT ABATEMENT SITUATION  Difficult Abatement Situation Rapid Compliance -11 to -20* (Permittee used diligence to abate the violation) Normal Compliance -1 to -10* (Operator complied within the abatement period required) Extended Compliance 0 (Permittee took minimal actions for abatement to stay within the limits of the NOV or the violated standard, or the plan submitted for abatement was incomplete)  EASY OR DIFFICULT ABATEMENT? Easy ASSIGN GOOD FAITH POINTS -15  PROVIDE AN EXPLANATION OF POINTS NOV was to be abated by March 19, 1986.  NOV was terminated effective March 4, 1986.  V. ASSESSMENT SUMMARY FOR N86-4-1-4 #3  I. TOTAL HISTORY POINTS 25 III. TOTAL SERIOUSNESS POINTS 7 IIII. TOTAL GOOD FAITH POINTS 25 IIV. TOTAL GOOD FAITH POINTS 42  TOTAL ASSESSED POINTS 42  TOTAL ASSESSED FINE \$680  ASSESSMENT DATE 4/7/86 ASSESSMENT OFFICER Mike Earl		*Assign in upper or lower half of range depending on abatement occurring in 1st or 2nd half of abatement period.
Rapid Compliance -11 to -20* (Permittee used diligence to abate the violation) Normal Compliance -1 to -10* (Operator complied within the abatement period required) Extended Compliance 0 (Permittee took minimal actions for abatement to stay within the limits of the NOV or the violated standard, or the plan submitted for abatement was incomplete)  EASY OR DIFFICULT ABATEMENT? Easy ASSIGN GOOD FAITH POINTS -15  PROVIDE AN EXPLANATION OF POINTS NOV was to be abated by March 19, 1986.  NOV was terminated effective March 4, 1986.  V. ASSESSMENT SUMMARY FOR N86-4-1-4 #3  I. TOTAL HISTORY POINTS 25 II. TOTAL SERIOUSNESS POINTS 11. TOTAL SERIOUSNESS POINTS 11. TOTAL NEGLIGENCE POINTS 25 IV. TOTAL GOOD FAITH POINTS 42  TOTAL ASSESSED POINTS 42  TOTAL ASSESSED FINE \$680  ASSESSMENT DATE 4/7/86 ASSESSMENT OFFICER Mike Earl	В.	compliance OR does the situation require the submission of plans prior to physical activity to achieve compliance? IF SO -
PROVIDE AN EXPLANATION OF POINTS NOV was to be abated by March 19, 1986.  NOV was terminated effective March 4, 1986.  V. ASSESSMENT SUMMARY FOR N86-4-1-4 #3  I. TOTAL HISTORY POINTS 25 III. TOTAL SERIOUSNESS POINTS 1II. TOTAL NEGLIGENCE POINTS 25 IV. TOTAL GOOD FAITH POINTS -15  TOTAL ASSESSED POINTS 42  TOTAL ASSESSED FINE \$680  ASSESSMENT DATE 4/7/86 ASSESSMENT OFFICER Mike Earl		Rapid Compliance -11 to -20*  (Permittee used diligence to abate the violation)  Normal Compliance -1 to -10*  (Operator complied within the abatement period required)  Extended Compliance 0  (Permittee took minimal actions for abatement to stay within the limits of the NOV or the violated standard, or the plan
PROVIDE AN EXPLANATION OF POINTS NOV was to be abated by March 19, 1986.  NOV was terminated effective March 4, 1986.  V. ASSESSMENT SUMMARY FOR N86-4-1-4 #3  I. TOTAL HISTORY POINTS 25 III. TOTAL SERIOUSNESS POINTS 7 III. TOTAL NEGLIGENCE POINTS 25 IV. TOTAL GOOD FAITH POINTS -15  TOTAL ASSESSED POINTS 42  TOTAL ASSESSED FINE \$680  ASSESSMENT DATE 4/7/86 ASSESSMENT OFFICER Mike Earl	EASY OR (	
I. TOTAL HISTORY POINTS II. TOTAL SERIOUSNESS POINTS III. TOTAL NEGLIGENCE POINTS IV. TOTAL GOOD FAITH POINTS  TOTAL ASSESSED POINTS  TOTAL ASSESSED FINE  ASSESSMENT DATE 4/7/86  ASSESSMENT OFFICER Mike Earl	PROVIDE A	AN EXPLANATION OF POINTS NOV was to be abated by March 19, 1986.
II. TOTAL SERIOUSNESS POINTS III. TOTAL NEGLIGENCE POINTS IV. TOTAL GOOD FAITH POINTS  TOTAL ASSESSED POINTS  TOTAL ASSESSED FINE  \$680  ASSESSMENT DATE 4/7/86  ASSESSMENT OFFICER Mike Earl	٧.	ASSESSMENT SUMMARY FOR N86-4-1-4 #3
TOTAL ASSESSED FINE \$680  Mile Earl  ASSESSMENT DATE 4/7/86 ASSESSMENT OFFICER Mike Earl	II. III.	TOTAL SERIOUSNESS POINTS 7 TOTAL NEGLIGENCE POINTS 25
ASSESSMENT DATE 4/7/86 ASSESSMENT OFFICER Mike Earl		TOTAL ASSESSED POINTS 42
		-1
X PROPOSED ASSESSMENT FINAL ASSESSMENT	ASSESSMEN	NT DATE 4/7/86 ASSESSMENT OFFICER Mike Earl
	-	X PROPOSED ASSESSMENT FINAL ASSESSMENT

	COMPANY/MINE Genwal/Cranda	ll Canyon	NOV #	N86-4-1-4		
	PERMIT # ACT/015/032		VIOLATION _	40F_	4	
I.	HISTORY MAX 25 PTS					
	A. Are there previous vi which fall within 1 y ASSESSMENT DATE 4/7/86	ear of today!:	s date?			-
PREV	/IOUS VIOLATIONS EFF.DATE -2-14-1 4/19/85		OUS VIOLATION	-	TE PTS	
	<u>-4-6-1</u> <u>2/28/86</u>		<u>-4-14-1</u>			1_
	-4-5-2 2/28/86		4-7-2			2
	-2-20-6 <u>2/28/86</u>		-4 <b>-</b> 5 <b>-</b> 2			2
	<u>-4-7-2</u> <u>2/28/86</u>		4-9-1 -4-12-3			<u>1</u> 3
	<del>-4-3-1</del> <del>3/14/86</del>		4-12-3			<u>2</u> 5
	-4-16-1 4/19/86		-4-23-1			$\frac{2}{1}$
		r each past vi				<u> </u>
	5 points f	or each past v	violation in	a CO un	to one v	<b>-</b> 2
	No pendina	notices shall	be counted	a 00, up	to one y	Ca
	,3		TOTAL HIST	ORY POINTS	5 25	
II.	SERIOUSNESS (either A or	B)				
appu Off: Begi up (	E: For assignment of points lies. Based on the facts sicer will determine within tinning at the mid-point of tor down, utilizing the inspansents.	upplied by the which category the category.	inspector, the violati	the Assesion falls.	i <b>sme</b> nt he points	g
	Is this an Event (A) or Hi	ndrance (B) vi	olation?	Event		
	A. Event Violations MAX	X 45 PTS				
	What is the event who prevent? Water Pollut	ich the violat ion	ed standard	was desig	ned to	
	<ol><li>What is the probability violated standard was</li></ol>	ty of the occu designed to p	rrence of three revent?	ne event w	hich a	
	PROBABILITY None Insignificant Unlikely Likely Occurred	RANGE 0 1-4 5-9 10-14 15-20	MID-POI 2 7 12 17	INT		
	Δςς	STGN PROBABILI	TV OF ACCURE	DENICE DOTA	TC 13	

PROVIDE AN EXPLANATION OF POINTS <u>Assessed as likely based on inspector statement that disturbed area runoff was bypassing the sediment pond inlet culvert and continuing down access/haul road. Increased snow melt runoff would cause the event to occur. Inspector indicates this is highly likely.</u>

:	<ol> <li>Would or did the damage exploration or permit</li> </ol>	e or impact rem area? No	ain within the	:		
		RANGE	MID-PO	INT		
	Within Exp/Permit Area Qutside Exp/Permit Are	0-7*	4			
	*In assigning points,	a 8-25 consider the du	16 ration and ext	ent of		
	said damage or impact,	in terms of ar	ea and impact	on the		
	public or environment.		·			
		ASSIGN D	AMAGE POINTS _	10		
PROVIDE A	N EXPLANATION OF POINTS I ent pond was less than 5 gp	nspector indica	tes the runoff sed snowmelt t	bypassing		
could rea	ch Crandall Creek.		334 31,011,11022 6	110 1411011		
B. <u>Hindr</u>	ance Violations MAX 25 P	TS				
:	l. Is this a potential or	actual hindran	ce to enforcem	ent?		
		RANGE	MID-POINT			
violation.	Potential hindrance Actual hindrance ints based on the extent to • N EXPLANATION OF POINTS	1-12 13-25 which enforceme ASSIGN H	7 19 ent is hindere INDRANCE POINT	d by the		
· / (0 · 25 == / (.						
	TOTAL SE	RIOUSNESS POINT	S (A or B)	23		
III. <u>1</u>	NEGLIGENCE MAX 30 PTS					
A. Was this an inadvertent violation which was unavoidable by the exercise of reasonable care? IF SO - NO NEGLIGENCE; OR Was this a failure of a permittee to prevent the occurrence of a violation due to indifference, lack of diligence, or lack of reasonable care, or the failure to abate any violation due to the same? IF SO - NEGLIGENCE; OR Was this violation the result of reckless, knowing, or intentional conduct? IF SO - GREATER DEGREE OF FAULT THAN NEGLIGENCE.						
	No Negligence Negligence Greater Degree of Faul	0 1 <b>-</b> 15 t 16 <b>-</b> 30	MID-POINT 8 23			
STATE DEGF	REE OF NEGLIGENCE <u>Negligen</u>		EGLIGENCE POIN	TS <u>6</u>		
	N EXPLANATION OF POINTS I	nspector indicat	tes the proble	m is due		

# IV. GOOD FAITH MAX -20 PTS. (either A or B)

Α.	Easy ABATEMENT Easy Abatement Situation Immediate Compliance (Immediately following the Rapid Compliance (Permittee used diligence t Normal Compliance (Operator complied within t	issuance of the NOV) -l to -l0* co abate the violation) 0 che abatement period required)				
	*Assign in upper or lower half of occurring in 1st or 2nd half of	f range depending on abatement abatement period.				
В.	Did the permittee not have the recompliance OR does the situation prior to physical activity to accompliance DIFFICULT ABATEMENT SITUATION	require the submission of plans				
	(Permittee used diligence t Normal Compliance (Operator complied within t Extended Compliance (Permittee took minimal act	-1 to -10° he abatement period required) 0 ions for abatement to stay within e violated standard, or the plan				
EASY OR DIFFICULT ABATEMENT? <u>Easy</u> ASSIGN GOOD FAITH POINTS O						
PROVIDE AN EXPLANATION OF POINTS NOV was to be abated immediately. NOV was terminated effective March 13, 1986.						
٧.	ASSESSMENT SUMMARY FOR	N86-4-1-4 #4				
II.	TOTAL HISTORY POINTS TOTAL SERIOUSNESS POINTS TOTAL NEGLIGENCE POINTS TOTAL GOOD FAITH POINTS	25 23 6 0				
	TOTAL ASSESSED POINTS	54				
	TOTAL ASSESSED FINE	\$1140 Mike Earl				
ASSESSMENT DATE 4/7/86 ASSESSMENT OFFICER Mike Earl						
	X PROPOSED ASSESSMENT	FINAL ASSESSMENT				